

a1 person adjacent the second end of the foot plate; and

urging a corresponding leg of the person forwardly towards the second end of the foot plate so as to position the leg to extend generally upright from the stretching device.

### **REMARKS**

Based upon the foregoing amendments and the following remarks please reconsider the amended claims.

Claims 2 through 9 have been cancelled and incorporated into the amended claim 1. Claim 1 has further been amended to include additional limitations in regard to the method of use so as to distinguish the present invention from the Examiner's cited references and the additional prior art reference US Patent 4,429,868 to LeBlanc et al enclosed herewith.

Claim 1 now provides a method of stretching a calf muscle of a person wherein the entire foot of the person is supported through a range of angles to target the desired muscles and the desired degree of stretching unlike any previously known device or method of stretching.

The Examiner rejected the previously submitted claim 1 on the basis of US Patents 2,144,962 to Bresnahan and 3,401,931 to McCafferty et al. Both of these patents however teach the use of a base plate to be supported on the ground which is longer than a foot plate supporting the foot of the person thereon. These devices are used for a significantly different use in which the length of the base plate is necessary for anchoring the device against the substantially horizontal loads applied to a starting block. These patents further teach supporting a foot of the person on the foot plate which is intended to be smaller in size than the person's foot for supporting only the toe portion of the foot thereon. While this is sufficient for use as a starting block, a foot plate of this arrangement when used for stretching would isolate the wrong muscles and cause undesirable strain to the foot of the person. Furthermore, by the teaching of

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these devices, anchoring the device to the ground requires the use of ground penetrating spikes, typically requiring tooling in order to be driven into the ground. This type of anchoring is typically required to resist the large horizontal loading resulting from the use of the devices as starting blocks.

US Patent 4,429,868 to LeBlanc et al provides a collapsible device having an inclined surface for stretching the calf muscles of a person thereon. The device however requires numerous pivots and link members in order to be collapsible, resulting in an unnecessarily complex and costly arrangement to manufacture. Furthermore the device is not suitable for adjusting the desired degree of stretching as the angle of the inclined surface remains fixed.

The amended claim 1 now includes several limitations which distinguish it from any previous known method or device. The device of the present invention is particularly suited for portability as it includes a base plate having a lower gripping surface suitable to grip the ground, including paved surfaces and the like, in use without additional spikes or tools being required. The arrangement of the foot plate being longer than the base plate also reduces the size of the device for portability while maximizing the length of the foot plate so as to be suitable sized to support the entire foot of the person thereon as is required for isolating the calf muscles. The adjustable support member is pivotally mounted on the base plate to extend upwardly therefrom to adequately support the foot plate on a free end thereof against the substantially vertical loads resulting from stretching thereon regardless of the relative angle of the foot plate.

The method of use is further distinguished by supporting the entire foot of the person with the heel adjacent the first end of the foot plate on the ground and urging the corresponding leg of the person toward the second end of the plate so as to position the leg to extend generally upright. This is ideal for isolating the calf muscles while the person is able to stretch the muscles in a comfortable standing position.

Claim 1 should now be found allowable as noted by the above limitations which distinguish the present invention both in structure and method of use from the known prior art references.

Favorable reconsideration of this application is earnestly solicited.

Respectfully submitted,

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